

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARTURO PACHECO,

No. C 07-4415 MEJ

Plaintiff(s),

**ORDER CONTINUING PRETRIAL AND  
TRIAL DATES**

vs.

ROBERT ESTRELLA, et al.,

Defendant(s).

On August 14, 2008, the Court issued a case management order in which it established pretrial and trial dates for this case. Currently, due to necessary continuances, the hearing date on dispositive motions is April 2, 2009, yet the pretrial conference is scheduled on May 28, 2009. Given the quick turnaround time, it is likely that the parties will need to engage in pretrial filings prior to the issuance of an order on any summary judgment motion(s). Accordingly, the Court hereby CONTINUES pretrial deadlines and the trial schedule as follows:

A. Exchange and filing of Trial Papers:

1. By October 1, 2009, lead counsel who will try the case shall meet and confer with respect to the preparation and content of the joint pretrial conference statement and shall exchange (but not file or lodge) the papers described in paragraph 2 below.
2. By October 15, 2009, counsel shall file the papers described in Federal Rule of Civil Procedure 26(a)(3) and a joint pretrial conference statement including the following:

(A) Substance of the Action: A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed: A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of damages.

(C) Undisputed Facts: A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.

(D) Disputed Factual Issues: A plain and concise statement of all disputed factual issues which remain to be decided.

(E) Agreed Statement: A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(F) Stipulations: A statement of stipulations requested or proposed for pretrial or trial purposes.

(G) Witness list: A list of all witnesses to be called for trial. The parties shall submit a page-length detailed summary of the substance of the proposed testimony of each witness, which shall also specify to which disputed fact the testimony relates and an estimate of the time required for direct and cross examination of each prospective witness.

(H) Exhibit list: A list of all exhibits to be offered at trial. The exhibit list shall list each proposed exhibit by its number or alphabetical letter, description and sponsoring witness. All documents shall be authenticated prior to trial.

(I) Estimated Time of Trial: An estimate of the number of hours needed for the presentation of each party's case.

(J) Settlement: A statement summarizing the status of the parties' settlement negotiations.

**No party shall be permitted to offer any witness or exhibit in its case in chief that is not disclosed in its witness or exhibit list without leave of the Court for good cause shown.**

- 1 3. Motions *in limine*: Counsel are directed to meet and confer to resolve any evidentiary  
2 disputes prior to filing motions in limine. Any motions *in limine* shall be filed by October  
3 15, 2009. Any Opposition to motions *in limine* shall be filed by October 22, 2009. These  
4 matters will be deemed submitted on the papers without oral argument, unless the Court  
5 orders otherwise.
- 6 4. Trial Briefs: Counsel shall file trial briefs setting forth the applicable legal standard,  
7 pursuant to Ninth Circuit authority, all significant disputed issues of law, including  
8 foreseeable procedural and evidentiary issues by October 30, 2009.
- 9 5. Joint Proposed Voir Dire (Jury Trial Only): Counsel should submit a **joint** set of requested  
10 voir dire to be posed by the Court by October 30, 2009. Any voir dire questions on which  
11 counsel cannot agree shall be submitted separately by October 30, 2009. Counsel will be  
12 allowed brief follow-up voir dire after the Court's questioning.
- 13 6. Joint Proposed Jury Instructions (Jury Trial Only): Jury instructions § 1.01 through § 2.02  
14 and § 3.01 through § 3.15 from the Manual of Model Civil Jury Instructions for the Ninth  
15 Circuit will be given absent objection. Counsel shall submit a **joint** set of additional  
16 proposed jury instructions by October 30, 2009. The instructions shall be ordered in a logical  
17 sequence, together with a table of contents. Any instruction on which counsel cannot agree  
18 shall be marked as "disputed," and shall be included within the jointly submitted instructions  
19 and accompanying table of contents, in the place where the party proposing the instruction  
20 believes it should be given. Argument and authority for and against each disputed  
21 instruction shall be included as part of the joint submission, on separate sheets directly  
22 following the disputed instruction. The Court prefers that all jury instructions conform to the  
23 Manual of Model Civil Jury Instructions for the Ninth Circuit.
- 24 If possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed jury  
25 instructions on a computer disk in WordPerfect format. The disk label shall include the  
26 name of the parties, the case number and be entitled "Proposed Jury Instructions."
- 27 At the close of Defendant's case in chief, the Court shall hear oral argument on the disputed  
28

jury instructions and will then render its rulings.

7. Proposed Verdict Forms, Joint or Separate (Jury Trial Only): Counsel shall submit any **joint** proposed verdict forms and shall submit their separate verdict forms by October 30, 2009. Whenever possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed verdict forms on a computer disk in WordPerfect. The disk label shall include the name of the parties, the case number and be entitled "Proposed Verdict Forms."

B. Pretrial Conference:

1. On October 29, 2009, at 10:00 a.m., the Court shall hold a pretrial conference in Courtroom B, 15th Floor of the Federal Building, located at 450 Golden Gate Avenue, San Francisco, California. Lead counsel who will try the case must attend the pretrial conference. The purpose of the pretrial conference is for the Court to rule on any issues raised in the final pretrial conference statement, motions *in limine*, and to discuss the trial of the case.

C. Final Pretrial Conference:

1. On November 19, 2009, at 10:00 a.m., the Court shall hold a final pretrial conference to address any outstanding trial issues.

D. Trial Date:

1. The trial shall commence (with jury selection taking place) on **November 30, 2009** (Trial schedule: Monday through Thursday, at 1:30 p.m. to 5:00 p.m.). The trial shall last eight days. .

**IT IS SO ORDERED.**

Dated: March 10, 2009

  
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MARIA ELENA JAMES  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ARTURO PACHECO,

Plaintiff,

v.

A.C. TRANSIT et al,

Defendant.

Case Number: CV07-04415 MEJ

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 10, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Arturo Pacheco  
P.O. Box 3247  
Vallejo, CA 94590

Dated: March 10, 2009

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk

United States District Court  
For the Northern District of California